

REMARKS

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with Markings to Show Changes Made."

I. Species Proposed By The Examiner.

In the above-referenced Office action, the Examiner alleges that the application contains claims directed to more than one species of the generic invention. The Examiner specifically cites the species as Retroviridae, Togaviridae, Coronaviridae, Flaviviridae, Paramyxoviridae, Orthomyxoviridae, Bunyaviridae, Rhabdoviridae, Poxviridae, Herpesviridae, Baculoviridae, Hepadnaviridae and HVJ.

The Applicant draws to the Examiner's attention that HVJ is a member of the sub-family Paramyxoviridae.

II. Election of Disclosed Species

In response, Applicant elects the species Paramyxoviridae, without traverse.

III. Amendments

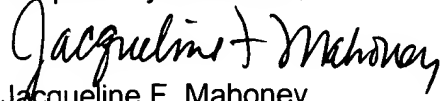
By this amendment, claims 3, 25, 28, 32, and 35 are amended to remove matter drawn to a non-elected invention. It is the Applicant's understanding that pending claims 1-36 read on the elected species Paramyxoviridae.

Upon allowance of the generic claims, the Applicant request consideration of claims to additional species which are written in dependent form or which otherwise include all the limitations of the allowed generic claim(s) as provided by 37 C.F.R. §1.141.

No new matter has been added by way of these amendments.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4410.

Respectfully submitted,


Jacqueline F. Mahoney
Registration No. 48,390

Date: October 7, 2002

Correspondence Address:

Customer No. 22918
Phone: (650) 838-4300

Version with Markings to Show Changes Made

3. (Twice-Amended) A gene transfer vector according to claim 1, wherein the virus is derived from a virus belonging to [a family selected from the group consisting of Retroviridae, Togaviridae, Coronoviridae, Flaviviridae,]the Paramyxoviridae family[, Orthomyxoviridae, Bunyaviridae, Rhabdoviridae, Poxviridae, Herpesviridae, Baculoviridae, and Hepadnaviridae].

25. (Amended) The pharmaceutical composition according to claim 13, wherein the virus is derived from a virus belonging to [a family selected from the group consisting of Retroviridae, Togaviridae, Coronoviridae, Flaviviridae,]the Paramyxoviridae family[, Orthomyxoviridae, Bunyaviridae, Rhabdoviridae, Poxviridae, Herpesviridae, Baculoviridae, and Hepadnaviridae].

28. (Amended) The kit according to claim 14, wherein the virus is derived from a virus belonging to [a family selected from the group consisting of Retroviridae, Togaviridae, Coronoviridae, Flaviviridae,]the Paramyxoviridae family[, Orthomyxoviridae, Bunyaviridae, Rhabdoviridae, Poxviridae, Herpesviridae, Baculoviridae, and Hepadnaviridae].

32. (Amended) The method according to claim 18, wherein the virus is derived from a virus belonging to [a family selected from the group consisting of Retroviridae, Togaviridae, Coronoviridae, Flaviviridae,]the Paramyxoviridae family[, Orthomyxoviridae, Bunyaviridae, Rhabdoviridae, Poxviridae, Herpesviridae, Baculoviridae, and Hepadnaviridae].

35. (Amended) The method according to claim 19, wherein the virus is derived from a virus belonging to [a family selected from the group consisting of Retroviridae, Togaviridae, Coronoviridae, Flaviviridae,]the Paramyxoviridae family[, Orthomyxoviridae, Bunyaviridae, Rhabdoviridae, Poxviridae, Herpesviridae, Baculoviridae, and Hepadnaviridae].